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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,462	07/20/2001	Karim Maskatiya	021110-000200US	1742
20350	7590	10/04/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			OYEBISI, OJO O	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/910,462	Applicant(s) MASKATIYA ET AL.	
	Examiner OJO O. OYEBISI	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In the amendment filed on 07/12/06, the following have occurred: Claims 1-5 have been amended, claims 6 has been cancelled, new claims 7-10 have been added, and claims 1-5, and 7-10 are pending in this application. Further, the amendment has necessitated the withdrawal of Oath and declaration objection and the 35 USC 112 rejections.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Martinez (US PAT:5,208,446).

Re claims 1, 2. Martinez discloses the method of delivering at least one item or service from a provider to a receiver the method comprising: placing an order for at least one item or service with the provider, obtaining at least one piece of data from the receiver at the time of delivery (see fig.1, also see col.1 lines 35-65, see col.2 lines 45-65), the at least one piece of data being from a group consisting of a credit card number, information on the magnetic strip of a credit card, a debit card number, the information on the magnetic strip of a debit, a check, a money order, a gift certificate, information on a chip card, data included on a device storing information that may be read by infra red, magnetic waves and/or radio waves, a gift certificate number, a reference number, a tracking number, an authorization number, an electronic signature, a copy of a piece of

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identification of the receiver, and a purchase order number (see col.3 lines 10-67); providing the at least one piece of data obtained at the time of delivery to a financial processor (i.e., host computer, see col.3 lines 30-50); in response to the at least one piece of data being provided to the financial processor, providing payment for the at least one item or service from the financial processor to the provider (i.e., see col.3 lines 10-67), and in response to payment being provided to the provider, delivering the at least one item or service to the receiver (see col.5 lines 30-40).

Re claim 3. Martinez further discloses a method in accordance with claim 1 wherein the at least one piece of data is provided to the financial processor substantially immediately upon receipt at delivery (see the abstract).

Re claim 4. Martinez further discloses a method in accordance with claim 1 wherein the at least one piece of data is provided to the financial processor with other pieces of data from other transactions (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102

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which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50)

Re claim 5. Martinez further discloses a system for delivering at least one item or service from a provider to a receiver (see abstract), the system comprising: a provider of at least one of an item or a service; a deliverer; a financial processor; at least one communication channel for providing communication between the provider, the deliverer, the financial processor and receivers of the at least one of an item or a service (see fig.1-4); and a data gathering device for transmitting data obtained by the deliverer at substantially a time of delivery of the at least one of an item or service to at least one of the provider and the financial processor (see fig.1-4, also see col.3 lines 18-67), **whereby payment is provided for the at least one of an item or service in response to the transmitted data being provided to at least one of the financial processor and the provider and delivery is contingent upon said payment being provided** (see abstract, see col.3 lines 18-50, also see col.5 lines 25-40), the data obtained being at least one of a group consisting of a credit card number, the information on the magnetic strip of a credit card, the information on the magnetic strip of a debit card, a debit card number, data stored on a device storing information that may be read by infra red, magnetic waves or radio waves, a check, a money order, a gift certificate, a gift certificate number, a reference number, a tracking number, an authorization number, an address of the receiver, a purchase order number, an electronic signature and a copy of a piece of identification of a receiver of the at least one of an item or a service (see col.3 lines 10-67).

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Re claim 7. Martinez further discloses a method for obtaining payment for an item or service near the time of delivery, comprising: obtaining identifying information from the intended recipient of at least one of an item and a service at substantially a time of delivery for the item or service (see abstract); providing the obtained identifying information to one of a financial processor and a provider of the item or service (see col.3 lines 30-50); receiving a determination as to whether payment for the item or service is at least one of approved and accepted based on the obtained identifying information (see col.3 line 40-col.4 line 45, also see col.5 lines 20-40); and delivering file item or service to the intended recipient when the received determination indicates that payment for the item or service is at least one of approved and accepted (see the abstract, also see col.5 lines 30-41).

Re claim 8. Martinez further discloses a method according to claim 7, wherein: obtaining identifying information includes obtaining at least one piece of data selected from the group consisting of a credit card number, information on the magnetic strip of a credit card, a debit card number, information on the magnetic strip of a debit card, a check, a money order, a gift certificate, information on a chip card, data stored on a device storing information that may be read by infrared, magnetic waves, or radio waves, a gift certificate number, a reference number, a tracking number, an authorization number, an electronic signature, a copy of a piece of identification of the receiver, and a purchase order number (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is

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entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50).

Re claim 9. Martinez further discloses a method according to claim 7, further comprising: returning the item or service undelivered when the received determination indicates that payment for the item or service is not at least one of approved and accepted (see col.5 lines 30-40).

Re claim 10. Martinez further discloses a method according to claim 7, wherein: providing the obtained identifying information to one of a financial processor and a provider of the item or service includes transmitting the obtained identifying information to one of a financial processor and a provider of the item or service at substantially the time of delivery (see abstract, also see col.3 lines 30-50).

Response to Arguments

Applicant's arguments with respect to claims 1-5, and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

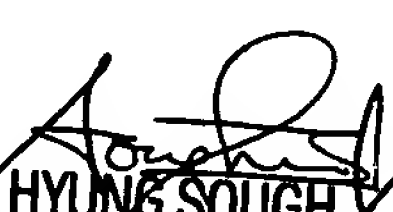
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
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